

**REMARKS**

The Examiner has rejected claims 1-4, 6-12, 22-26, 29 for anticipation under 35 U.S.C 102(e). Claims 30-39 are added. Support for the new claims is found in, for example, the specification at page 12, lines 29-32 and the original claims. Applicants address the Examiner's specific rejections below.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

**I. The Rejection of Claims 1-4, 6-12, 22-26, 29 under 35 U.S.C. 102(e)**

Claims 1-4, 6-12, 22-26, 29 are rejected under 35 U.S.C. 102(e). The Examiner states that Hortel discloses a stain removal device and method that comprises preparing a liquid sample of less than 10 mil comprising a compound where the compound can be a bleach system, bleach activators, bleach catalyst, optical brighteners, nonanionic, anionic, cationic, chelating agents, enzymes perfumes, perfumes systems, fabric care agents, applying the liquid sample to a stained surface (including a fabric); applying mechanical stress to the stained surface by contacting the stained surface with a body present in the liquid; evaluating the cleaning effect of applying the solution and mechanical stress on the stained surface. This rejection is respectfully traversed.

Hortel is directed to a method which allows users to pre-spot *fabrics* by using *spot removal compositions* prior to cleaning without resorting to vigorous back-and-forth rubbing of the fabric with the cleaning composition and a towel, sponge or other implement. See Hortel at col. 1, line 65-col. 2, line 12 (emphasis added). Overall, the device disclosed in Hortel is "reminiscent of an old-fashioned, flat-sided arcuate desk blotting instrument, but with multiple protrusions...extending outwardly from its operational [i.e., treatment] face." Col. 6, lines 39-43. The mechanical cleaning action is provided by protuberances which extend outwardly from the convex treatment face of the base member, see, for example, Hortel Claim 1; col. 6, lines 16-20; *Id.* at col. 27, lines 1-5. These protuberances are knobs, fibers, bristles or like structures. See, for example, col. 6, lines 16-17; col. 27, lines 1-3; col. 7, lines 31-35; col. 8 line 27-col. 9, line 30. The device disclosed in Hortel is designed for hand-held use, see, for example, col.6, line 62-col. 7, line 14, and the mechanical force is applied manually, by the user. See, for example, col. 6, line 62-col. 7, line 14.

The spot cleaning composition may be kept in and added to the stained fabric from a separate bottle or container, see for example, col. 33, lines 58-63, or it may be held in the hollow cavity of the device until time-of-use, and added to the stained areas of the fabric through holes, channels

or the like located on the convex base (see, for example col. 7, lines 19-26) or through a separate orifice located on the device (see, for example, col. 7, lines 26-30).

Hortel clearly does not anticipate the claimed invention. Foremost, as noted supra, the treatment members (that is, the protuberances) of Hortel are affixed to the convex treatment face of the base. Thus, the treatment members (which provide the mechanical cleaning force) are never located *inside* the liquid sample. See, for example, col. 7, lines 16-30. Thus Hortel does not teach applying mechanical stress to a stained surface by contacting the stained surface with a body present in the liquid sample. See step (c) of claim 1 and step (b) of claim 29. Hortel also does not teach or disclose a stain removal device or method using only small sample volumes of less than 10 ml. The reference to Hortel cited by the Examiner for the proposition that Hortel teaches use of liquid samples less than 10 ml merely describes the addition of "about 10 drops " of peroxide-containing spot cleaner (col.33, line 18) to the stain. Ten drops is not the same as less than 10 ml, and there is no disclosure in Hortel as to what volume 10 drops is equivalent to. The reference to 5-95% volume at col. 14, lines 10-23 refers to the required composition of the spot-cleaning compositions that may be used in practicing the invention, *not* to the minimum amount of sample liquid that may be used in cleaning. Specifically, the 5-95% limitation in col. 14, lines 10-23 refers to the requirement that the compositions that may be used must be "substantially free of materials which leave visible residues on the treated fabric." Col 14, line 10-11. Similarly, the reference to 5-95% volumes cited by the Examiner at col. 15 refers to the percentage composition by weight of different components in the spot cleaning compositions used, *not* to the minimum amount of sample liquid that may be used.

The present invention, on the other hand, provides a novel means for testing *real application performance* (that is, performance under real life or full scale conditions) of cleaning ingredients, see specification at page 1, lines 8-9 (emphasis added), using only small samples of less than 10 ml. See, for example, claim 1; specification at page 2, lines 4-31. That is, the present invention provides a novel method for the testing of cleaning compositions using small testing samples of less than 10 ml, *while simulating the effect of the full scale cleaning process* performed, for example, in a washing machine. See, for example, specification at page 4, lines 10-27 (emphasis added). Using the present invention, the evaluation of cleaning compounds such as new enzymes can be done at 50,000 to 500,000 times smaller quantities than is required for a full scale cleaning process. See specification at page 4, lines 21-23. Thus, the present invention provides a predictive system for evaluating the cleaning effect of compound or composition at high numbers using low quantities of the compound or composition, see, for

example, specification at page 4, lines 23-27, which may be incorporated in high throughput facilities. See specification at page 4, lines 23-25.

The present invention also provides for high speed and capacity, allowing the testing of numerous test containers at the same time. See, for example, specification at page 12, lines 15-32. Hortal does not teach or disclose a method or device for such high throughput testing. New claims 30-36 also clearly distinguish over Hortal for the reasons previously discussed, including Hortal does not teach applying mechanical stress to a stained surface by contacting the stained surface with a body present in the liquid sample (step b) and Hortal does not teach a stain removal device or method using only small sample volumes of less than 10 ml (step a). Hortal also does not teach providing "an array of containers" (step a), as Hortal is directed to cleaning a single garment, not an assay for testing the cleaning effect of a compound or compositions containing said compound in an array of containers. For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejection.

## **II. The Rejection of Claim 27 under 35 U.S.C. 103**

Claim 27 is rejected under 35 U.S.C. 103(a) as obvious over Su et al. in view of Nicholson. This rejection is respectfully traversed.

Su et al. is directed to a method for cleaning contact lenses, which the Office states are rubber or plastic materials. Although Su et al. does not teach the claimed method, there is also no teaching in Su et al. to clean surfaces other than contact lenses. As noted in Applicants' response dated August 30, 2004, in order to expedite prosecution, the claims were amended to recite that the surface is an inorganic surface selected from metal, glass, ceramic, enamel, concrete, rock, marble, gypsum and composite combinations thereof or an organic surface selected from wood, paper, leather, fur, paint and fabric. Such surfaces are not disclosed in Su et al. Nicholson discloses a method for disinfecting a hydrogen peroxide stable contact lens by creating means for driving disinfecting solution from a lower region of a container in which the hydrogen peroxide is concentrated to an upper region of a container in which the hydrogen peroxide is of a lower concentration. See, for example, claims 2, 3. Specifically, the stir bar system disclosed in Nicholson is a way of controlling the decomposition rate of the hydrogen peroxide solution by means of a stir bar or impeller for agitating the system such that fresh H<sub>2</sub>O<sub>2</sub> is continually brought in contact with the catalyst. See, for example, col. 12, lines 1-42. Thus the stir bar system disclosed in Nicholson is not directed to a method for evaluating the

cleaning effect of a compound on a stained surface in relation to mechanical stress and Nicholson does not suggest a method for reproducing mechanical stress at the micro level. In addition, Nicholson et al. does not disclose application of the invention to surfaces other than contact lenses and reading Su. In light of Nickerson, the skilled artisan would not be motivated to apply the Su et al. contact lens cleaning system to other surfaces. Thus, the combination of Su et al. and Nicholson et al. do not suggest the claimed invention.

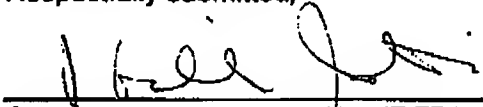
For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

**X. Conclusion**

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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